



THM 2837

**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Yasuhiko NISHIMURA

Group Art Unit: 2837

Application No.: 10/522,334

Examiner: J. LUKS

Filed: January 25, 2005

Docket No.: 122518

For: SOUND-ABSORBING STRUCTURE AND SOUND-ABSORBING UNIT

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the December 14, 2006 Election of Species Requirement, Applicant provisionally elects Species I, Figures 3A-3B, with traverse. Applicant submits that Species I is directed to Figs. 3A-3C and 4A-4C. At least claims 1 and 2 read on the elected species.

It is respectfully submitted that the subject matter of all species is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Thus, withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,



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JAO:LMS/sqb

Date: December 14, 2006

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